

MEMO ENDORSED

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April 6, 2015

VIA ECF

Hon. Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, NY 10007

4-16-15

Re: United States v. Benjamin Durant and Daryl Payton,
12 Cr. 887 (ALC)

Dear Judge Carter:

We represent defendants Benjamin Durant and Daryl Payton in the above-captioned matter. We write to withdraw our request—granted by the Court at yesterday's conference—for leave to file supplemental briefing in support of our motion to modify a protective order. We understand the government consents in this request.

Following yesterday's conference, the parties conferred and agreed that civil counsel would file a document demand pursuant to 28 C.F.R. § 16.21 *et seq.* and *United States ex rel Touhy v. Ragen*, 340 U.S. 462 (1952), on the Government. We understand that request was filed earlier today, and the Government has stated that it will be processed expeditiously. Accordingly, we ask to withdraw our request of leave to file supplemental briefing, without prejudice to a renewal of this request at a later time if necessary.

Request GRANTED.

SO ORDERED.

Andrew L. Carter

4-16-15

Respectfully submitted,
/s/ Sarah Baumgartel
Sarah Baumgartel, Esq.
Federal Defenders of New York, Inc.
Attorney for Benjamin Durant

/s/ Lloyd Epstein
James Roth, Esq.
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Attorneys for Daryl Payton

cc: AUSAs Andrew Bauer & A. Damian Williams (by ECF)